



CITY OF NORTHAMPTON
ZONING BOARD OF APPEALS
VARIANCE APPLICATION

A Separate Variance Application **MUST** be filed for **EACH** Variance Request
Applications **WILL NOT** be accepted without all of the following information

1. Parcel Information

Address:

Assessor Identification: Map #, Parcel #:	2nd Map #, Parcel #: (if applicable)	Zoning District:
<u>Recorded in Hampshire Registry of Deeds or Land Court</u>	Book:	Page:

2. Applicant's Information

3. Owner Information
(if different from Applicant)

Name		
Address		
Telephone		
Email		
Fax		
Status of Applicant	<input type="checkbox"/> Owner; <input type="checkbox"/> Contract Purchaser; <input type="checkbox"/> Lessee; <input type="checkbox"/> Other:	
Signature _____ Date _____		Signature _____ Date _____

I certify: the information contained herein is true and accurate to the best of my knowledge; the abovesigned owner(s) grant the Board and its agents permission to enter the property to review this application; I understand all documents will be entered into the public record and will be available on the internet; I understand that if neighboring issues have not been addressed/ resolved prior the hearing, the Board will continue the hearing.

4. Variance Information

From Building Inspector's Review form

Zoning Ordinance

Section

Page

5. Describe proposed project/work below:

6. Check boxes below indicating that you have attached/included the following documentation:

- ☐ Site or Plot Plan at 1" = 40' or greater (not applicable for sign applications)
- ☐ Filing Fee (which includes the advertising fee) made Payable to the City of Northampton (\$185)
- ☐ Owner's Signature on Application Form or letter from owner authorizing applicant to sign on behalf of owner.
- ☐ Applicant's Signature on Application Form.
- ☐ Stamped, Self Addressed (to owner and applicant) Envelope(s)
- ☐ Two sets of stamped envelopes addressed to each of the abutters within 300' and planning boards in adjacent towns (the abutters list can be found at www.northamptonma.gov/opd/). If within 300' of a neighboring town, the envelopes must include the abutters within said town. The return address of all the envelopes should be labeled as: Planning and Development, City of Northampton, City Hall, 210 Main Street, Room 11, Northampton, MA 01060-3198.
- ☐ A printed list of all abutters (from above section).
- ☐ 12 complete packages collated & stapled (original and 11 copies)
- ☐ Zoning Permit Review Form with Building Inspector's endorsement & Application
- ☐ Folded Plans- all plans of 11X17 or larger must be folded (If 36x24 plan sheets are included, they may contain 6 full sets with the remaining 5 at 11x17 size) and collated with each application.
- ☐ Detached Affidavit of Service (from application) to be sent to Office of Planning & Development after abutters have been notified.
- ☐ I understand that I will file this application with the **City Clerk's Office first**, then with the Northampton Planning and Development Office.

**7. How does the proposed work and/or project comply with the Variance Criteria listed below:
(See: "Applicant's Guide" for assistance to filling out the questions listed below)**

- A. Are there circumstances relating to soil conditions, shape or topography of the **land or structures** (where the variance is being requested) that effects **only** this property/structure, and not other properties in the neighborhood?
- ☐ NO ➡ (see footnote)
 - ☐ YES If yes, explain what condition(s) exist:

B. Hardship

- (1) Would a literal enforcement of the Zoning Requirements create a hardship, financial or otherwise?
- ☐ NO ➡ (see footnote)
 - ☐ YES If yes, explain below:

(2) If a Variance is **not** granted, would the applicant be denied all use of the property?

☐ NO ➡ (see footnote)

☐ YES If yes, explain below:

(3) Is the hardship self-created?

☐ YES ➡ (see footnote)

☐ NO If no, explain below:

C. Relief:

(1) Can relief be granted without detriment to the public good?

☐ YES

☐ NO

(2) If granted, would the variance nullify or substantially derogate from the intent or purpose of the Zoning Ordinance?

☐ YES ➡ (see footnote)

☐ NO If no, explain why, below:

D. Is your request for the smallest relief possible?

☐ NO ➡ (see footnote)

☐ YES If yes, explain below:

Applicant's Guide for Complying with Variance Criteria

All three of the criteria listed below **must be complied with**, in order for a Variance to be granted.

1. **The Variance is required due to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located. This means:**
 - a. Some aspect of the property must be **"unique"**. The hardship caused by zoning standards **exists only on the property and is not shared by neighbors and other similar properties.**
2. **A literal enforcement of the provisions of the Zoning Ordinance would involve substantial hardship, financial or otherwise, to the petitioner or appellant. This means:**
 - a. The **effect** of the zoning requirements would involve a hardship such as denying a property owner reasonable use of the property.
 - b. The **hardship** cannot be self-imposed. The applicant did not bring the burden upon him/herself through some action (i.e. purchasing a property from another owner, proposes to construct an addition onto and existing building), but instead had the burden imposed upon him/her.
3. **That desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance. This means:**
 - a. The variance should not cause any land use or parcel of land to become nonconforming, nor should it be used to allow a nonconforming land use or parcel to continue.
 - b. The Zoning Board must only consider how the application meets the 3 criteria, and **not** whether or not the opinion of people present think it is good or bad project.

In considering whether or not to grant a variance, the Zoning Board must first evaluate whether the three (3) criteria listed above have been met. **If all three have not been met, then the variance should be denied.**

In addition, the Zoning Board must consider whether or not the applicant has shown that:

1. The variance would comply with the statement of public purpose or intent for the Zoning Ordinance generally and the zoning district under consideration specifically.
2. The variance will not harm nearby properties and will not harm people associated with the nearby properties.
3. The variance will not change the character of the nearby area.
4. The variance is the minimum necessary to permit reasonable use of the property.
5. The evidence presented, demonstrates why the application meets the standards to grant a Variance. If the applicant cannot demonstrate that the standards are met, the variance should be denied.

PLEASE NOTE: Variances are rarely an easy matter to decide, and the Zoning Board of Appeals must adhere to the "rules and standards" listed above.

WHAT HAPPENS AFTER YOU HAVE FILED YOUR APPLICATION?

Generally, the Board meets the 2nd & 4th Thursday of every month (with the exception of summer & holiday months). The deadline date for filing applications is one calendar month prior to the next meeting date.

1. Once your application has been filed, staff will review it to determine if the application is complete and ready for public hearing. We will schedule a Public Hearing for the next available agenda of the Zoning Board and place a legal ad in a local paper to appear a minimum of two (2) weeks prior to the hearing date.

The Wednesday, 15 days before the next meeting date, **you may check the Planning Office web page, www.northamptonma.gov/opd/, public meeting notice to find out if your project has been scheduled for the next hearing.**

2. The applicant must attend the public hearing, and if all information is complete, the hearing is closed.
3. Once the hearing is closed, the Board has up to 90 days to make a decision on the permit. (Zoning Board rarely takes that long).
4. Once a decision is approved by the Board, (usually occurs at the same public hearing) the Board has fourteen (14) days from the date that the decision is made to file the decision with the City Clerk's Office.
5. After the decision has been filed with the City Clerk's Office, a twenty (20) day appeal period begins. **[30 days for residential findings]**
6. Once the twenty (20) day appeal period passes, (without an appeal being filed) the applicant must pick up a Certified copy of the decision from the City Clerk's Office and record it at the Registry of Deeds or Land Court, if applicable. **Permit is not valid until recorded.**
7. Proof that the decision has been filed at the Registry of Deeds must be brought to the Building Department, before a Building Permit will be issued.

The short time frame for issuing a Variance is two (2) to three (3) months. The long time frame is four (4) to six (6) months.